

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Daniel et al.

Examiner in immediately
preceding parent application: O'Connor, C.

Serial No.: Unknown

Anticipated Group Art Unit: 3732

Filed: August 28, 2003

Docket No.: 1001.1351113

For: DISTAL PROTECTION DEVICE AND METHOD

**REQUEST FOR FILING A CONTINUATION APPLICATION
UNDER 37 CFR §1.53(b)**

Mail Stop PATENT APPLICATION
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

CERTIFICATE UNDER 37 C.F.R. 1.10: The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, "Express Mail Post Office to Addressee" having an Express Mail mailing label number of: EV315607413US, in an envelope addressed to: Mail Stop PATENT APPLICATION, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on this 28th day of August, 2003.

By

JoAnn Lindman
JoAnn Lindman

This is a request for filing a continuation application, under 37 CFR §1.53(b), of pending prior application Serial No. 10/160,450 filed on May 30, 2002, for an invention entitled DISTAL PROTECTION DEVICE AND METHOD.

1. Enclosed is a copy of the prior application, including the inventor's DECLARATION of John M.K. Daniel, Thomas E. Broome, David J. Holton, Robert L. Cassell and Daniel O. Adams, as originally filed on March 23, 1998.
2. I hereby verify that the enclosed papers are a true copy of prior application Serial No. 10/160,450 as filed on May 30, 2002, and further that this statement was made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.
3. Cancel in this application original Claims 2-30 of the prior application before calculating the filing fee. At least one original independent claim has been retained for filing purposes.
4. Enclosed is a Preliminary Amendment.

5. The filing fee is calculated below:

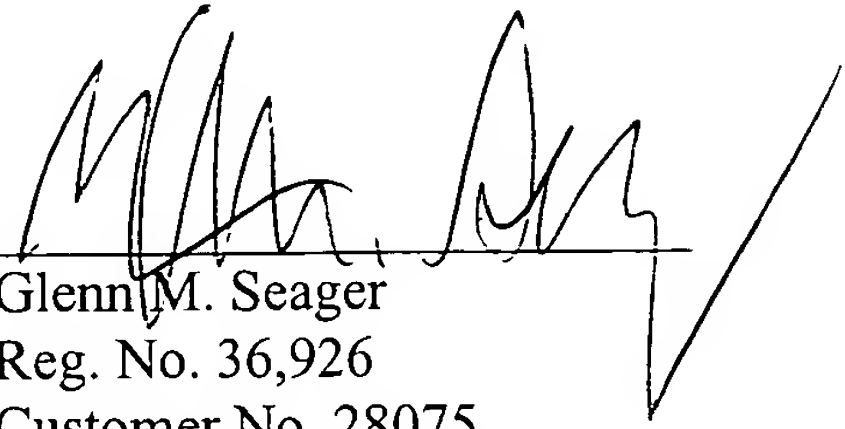
CLAIMS AS FILED						
FOR:	(1) No. Filed	(2) No. Extra	SMALL ENTITY		OTHER	
			RATE	FEE	RATE	FEE
BASIC FEE	XXXXX	XXXXX	XXXXX	\$375	XXXXX	\$750
TOTAL CLAIMS	29-20=	9	X 9=	\$	X 18=	\$162
INDEPENDENT CLAIMS	1- 3=	0	X 42=	\$	X 84=	\$
() MULTIPLE DEPENDENT CLAIM PRESENTED			+140=	\$	+280=	\$
TOTAL				\$	XXXXX	\$912

6. The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Account No. 50-0413.
7. A check in the amount of \$ 912.00 is enclosed to cover the filing fee.
8. Amend the specification by deleting on page 1, "Incorporation by Reference" and the paragraph that follows, and inserting therefore, the sentence --This is a continuation of copending Application Serial No. 10/160,450 filed on May 30, 2002, which in turn is a continuation of Application Serial No. 09/735,332 filed on December 12, 2000, which in turn is a continuation of Application Serial No. 09/409,497 filed on September 30, 1999, now U.S. Patent No. 6,245,089, which in turn is a continuation of Application Serial No. 08/943,358 filed on October 3, 1997, now U.S. Patent No. 6,001,118, which in turn is a continuation-in-part of Application Serial No. 08/810,825 filed on March 6, 1997, now U.S. Patent No. 5,814,064, which in turn is a continuation-in-part of Application Serial No. 08/813,794 filed on March 6, 1997, now U.S. Patent No. 5,827,324.—
9. Please find enclosed sixteen (16) sheets of formal/informal drawings.
10. The power of attorney in the prior application is to CROMPTON, SEAGER & TUFTE, LLC. The power appears in the papers in the prior application file, and a copy is enclosed. Address all future communications to:

Glenn M. Seager
CROMPTON, SEAGER & TUFTE, LLC
1221 Nicollet Avenue, Suite 800
Minneapolis, MN 55403-2420

11. This patent application is assigned to SCIMED LIFE SYSTEMS, INC., pursuant to the Assignment recorded on March 24, 1998 at Reel 9053, Frame 0830.

Aug. 2nd, 2003
(Date)


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